

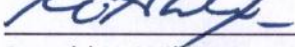


To the Honorable Council
City of Norfolk, Virginia

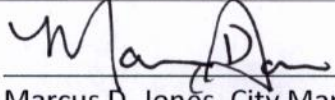
May 10, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to resume a nonconforming use (eatery) at 2815 Colonial Avenue
– The Coffee Tree**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-1**

I. **Staff Recommendation:** Approval.

II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Special Exception to resume a nonconforming use (eatery)

IV. **Applicant:** The Coffee Tree

V. **Description:**

- The applicant is proposing an eatery on the ground floor of a historic mixed-use building, located on the southwest corner of Colonial Avenue and W. 29th Street.
- The Preserving Our Heritage chapter of *plaNorfolk2030* calls for protecting Norfolk's historic resources, in part by encouraging the re-use of nonconforming historic structures.
- The applicant proposes to allow the existing commercial space to be returned to a small café space (less than 12 seats), for which the historic building was originally built to accommodate.
- Letters of support were received from the Park Place Business Association and Park Place Civic League.

	Proposed
Hours of Operation	6:00 a.m. until 8:00 p.m., Seven days a week

VI. Historic Resources Impacts

- The building is listed as a contributing structure within the Park Place Historic District, which was adopted by the National Park Service (NPS) in 2006; listed on the National Register of Historic Places (NRHP) and meeting the Virginia Department of Historic Resources (VA DHR) as an area of local historic significance.
- The historic structure was built in 1929 as the Coddington Apartments for Mr. Floyd Coddington.
- The building included a commercial storefront where the original business, known as Coddington Confectionery, operated for several years by the owner of the entire building.
- The storefront was later occupied by M & L Cut Rate Drug Store, and then as McLane's Confectionery.

VII. Public Schools Impacts

The site is located in the James Monroe Elementary School, the Blair Middle School and Maury High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

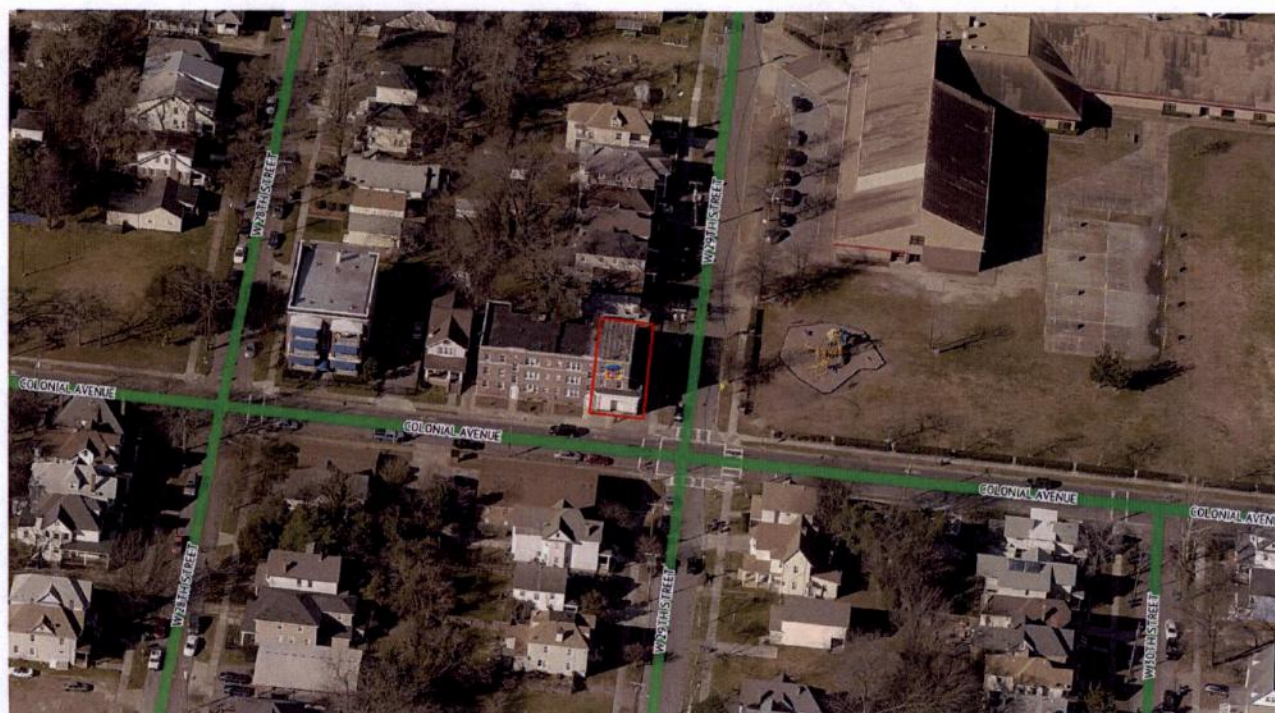
- Staff Report to CPC dated April 28, 2016 with attachments
- Letters of support from the Park Place Civic League and Park Place Business Association
- Letter of support, neighbor
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: April 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *GMH*

Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 8	
Address	2815 Colonial Avenue	
Applicant	The Coffee Tree	
Request	Special Exception	To resume a nonconforming use
Property Owner	Colonial Avenue Investments, LLC	
Site Characteristics	Site Area/Building Space	7,875 sq. ft./1,000 sq. ft.
	Future Land Use Map	Single-Family Traditional
	Zoning	R-11 (Moderate Density Multi-Family)
	Neighborhood	Park Place
	Character District	Traditional
Surrounding Area	North	R-11 and IN-1 (Institutional): Vacant land and James Monroe Elementary School
	East	R-11: Six-unit apartment, duplex and single-family
	South	R-11: Single-family and six-unit condo building
	West	R-11: Single-family and duplex



A. Summary of Request

- The applicant is proposing an eatery on the ground floor of a historic mixed-use building, located on the southwest corner of Colonial Avenue and W. 29th Street.

B. Plan Consistency

- *plaNorfolk2030* designates this site as Single-Family Traditional, meaning the proposed use is not consistent with *plaNorfolk2030*.
- The Preserving Our Heritage chapter of *plaNorfolk2030* calls for protecting Norfolk's historic resources, in part by encouraging the re-use of nonconforming historic structures.
- Since the proposed special exception will permit the re-use of a contributing historic structure that is not appropriate for single-family residential use, it can be supported despite the inconsistency with *plaNorfolk2030*.

C. Zoning Analysis

i. General

- The site is located in the R-11 zoning district, which does not normally permit the proposed use.
- The applicant proposes to allow the existing commercial space to be returned to a small café space (less than 12 seats), for which the historic building was originally built to accommodate.
 - The space has been vacant for several years, but was last used for church services.
- The *Zoning Ordinance* encourages the preservation of historic structures by permitting the resumption of historic uses upon granting of a special exception, if the proposed use is a use for which the building or space was originally designed to accommodate.
- A condition will be added to the special exception stating that any exterior modifications to the storefront must obtain a Certificate of Appropriateness from the City's Architectural Review Board, in order to ensure that improvements to the storefront façade are in keeping with the building's historic integrity.
 - The condition is necessary to ensure that proposed improvements are in keeping with the "Preserving Our Heritage" chapter of *plaNorfolk2030*.
 - Action H2.2.8 of the plan encourages the utilization of historic district design guidelines to promote the appropriate maintenance and rehabilitation of existing structures in historic districts.

	Proposed
Hours of Operation	6:00 a.m. until 8:00 p.m., Seven days a week

ii. Parking

- The site is located within the Traditional Character District.
- For an eatery of this size, the *Zoning Ordinance* requires that the site provides a minimum of four parking spaces and sufficient room to accommodate one bicycle.

- The building was built in 1929, prior to any parking requirements in the City; as such, the commercial space is grandfathered for four spaces based on the commercial use for which it was built.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that that a new restaurant on the site will generate 58 new vehicle trips per day.
- The site is near transit service with Hampton Roads Transit bus route 11 (Colonial) operating near the site.
- Colonial Avenue adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

- The building is listed as a contributing structure within the Park Place Historic District, which was adopted by the National Park Service (NPS) in 2006; listed on the National Register of Historic Places (NRHP) and meeting the Virginia Department of Historic Resources (VA DHR) as an area of local historic significance.
- The historic structure was built in 1929 as the Coddington Apartments for Mr. Floyd Coddington.
- The building included a commercial storefront where the original business, known as Coddington Confectionery, operated for several years by the owner of the entire building.
- The storefront was later occupied by M & L Cut Rate Drug Store, and then as McLane's Confectionery.

F. Public Schools Impacts

The site is located in the James Monroe Elementary School, the Blair Middle School and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing site.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the change of business ownership should not have a negative effect on the surrounding area.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- Notice was sent to the Park Place Civic League and Park Place Business Association on March 16.
- A letter of support was received from the Park Place Business Association on March 16.
- A letter of support was received from the Park Place Civic League on April 5.

L. Communication Outreach/Notification

- Legal notice was posted on the property on March 22.
- Letters were mailed to all property owners within 300 feet of the property on April 15.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

M. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions below:

- (a) The hours of operation for the establishment shall be from 6:00 a.m. until 8:00 p.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) No smoking shall be permitted anywhere in the outdoor dining area.
- (c) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (d) In order to ensure that all building improvements to the storefront façade are in keeping with the building's historic integrity, no exterior modifications, other than conforming signage, shall be made to the storefront along Colonial Avenue until a Certificate of Appropriateness is granted from the City's Architectural Review Board.
- (e) The trashcan receptacles shall meet the following standards:
 - a. Shall not be located within any required front yard or corner side yard.
 - b. Shall be screened from view from any public right-of-way.
 - c. Shall be screened from view from adjacent properties.
- (f) The establishment shall maintain a current, active business license at all times while in operation.
- (g) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

- (h) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (i) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (j) There shall be no alcohol, no entertainment, no dancing, and no dance floor provided.
- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (l) A copy of this special exception ordinance shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Park Place Civic League and Park Place Business Association

Letters of support from the Park Place Civic League and Park Place Business Association

Proponents and Opponents

Proponents

Gabriel Rapisardi – Applicant
2819 Colonial Avenue
Norfolk, VA 23508


Kathleen Yakstis
2801 Colonial Avenue
Norfolk, VA 23508

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE RESUMPTION OF A NONCONFORMING RETAIL SALES ESTABLISHMENT NAMED "THE COFFEE TREE" IN AN HISTORIC BUILDING ON PROPERTY LOCATED AT 2815 COLONIAL AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the resumption of a nonconforming retail sales establishment named "The Coffee Tree" in an historic building on property located at 2815 Colonial Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southwest corner of Colonial Avenue and West 29th Street fronting 25 feet, more or less, along the western line of Colonial Avenue and 75 feet, more or less, along the southern line of West 29th Street; premises numbered 2815 Colonial Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 8:00 p.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) In order to ensure that improvements to the storefront façade are in keeping with the building's historic integrity, no exterior modifications, other than the installation of conforming signage, shall be made to the storefront along Colonial Avenue except when authorized by a Certificate of Appropriateness granted in accordance with the procedures set forth in Chapter

9 of the Zoning Ordinance of the City of Norfolk, 1992.

- (c) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space with open ventilation on at least three sides.
- (d) No smoking shall be permitted anywhere in the outdoor dining area.
- (e) The waste receptacles stored on the property
 - (1) Shall not be located within any required front yard or corner side yard,
 - (2) Shall be screened from view from any public right-of-way, and
 - (3) Shall be screened from view from any adjacent property.
- (f) The establishment shall maintain a current, active business license at all times while in operation.
- (g) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (h) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (i) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (j) There shall be no alcohol, no entertainment, no dancing, and no dance floor provided.

- (k) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (l) A copy of this special exception ordinance shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

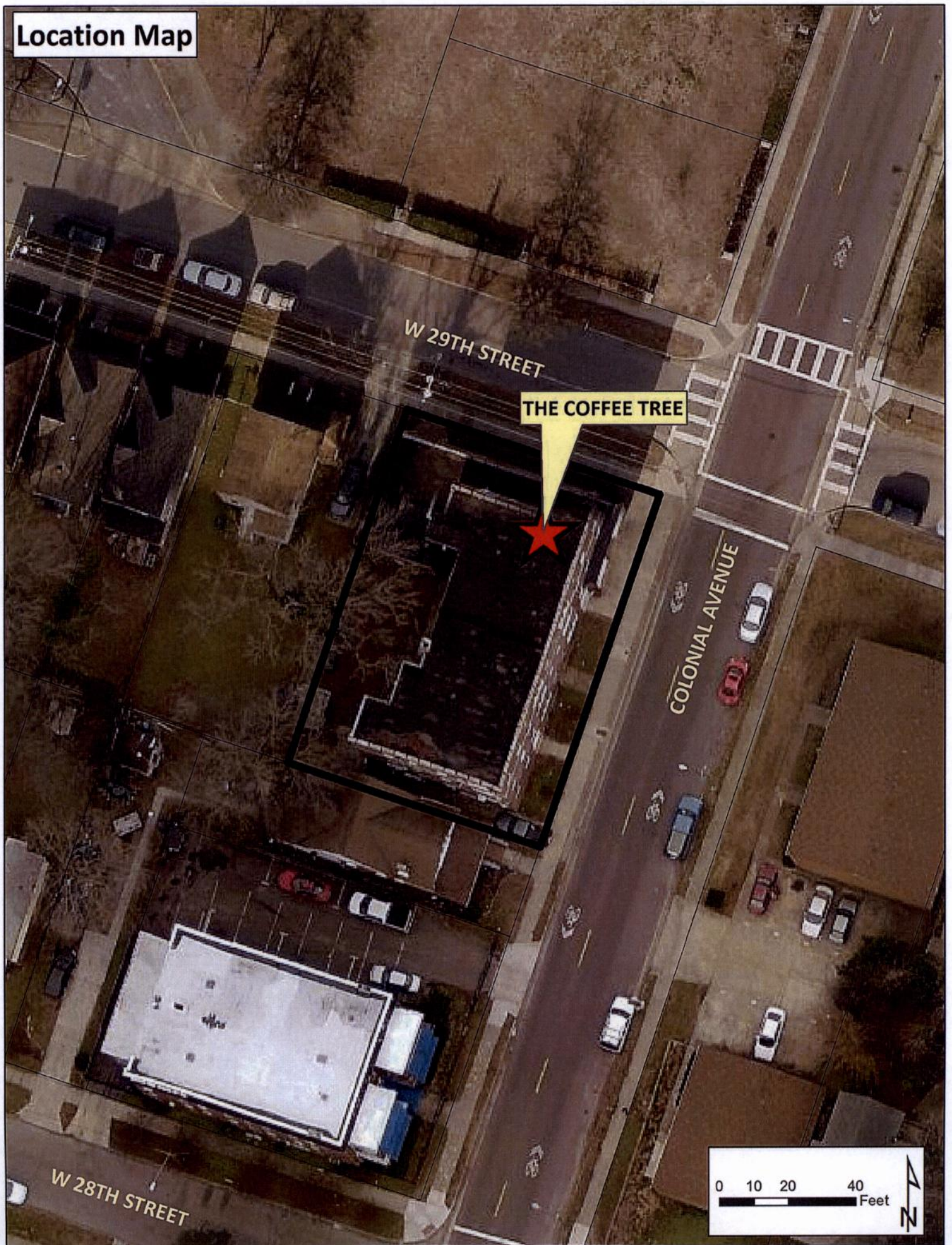
Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

Location Map



W 29TH STREET

THE COFFEE TREE

COLONIAL AVENUE

W 28TH STREET

0 10 20 40 Feet



Zoning Map





**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: To Resume a nonconforming use (café ≤ 12 seats)

Date of application: 3/6/14

DESCRIPTION OF PROPERTY

Property location: (Street Number) 2815 (Street Name) Colonial Ave

Existing Use of Property Vacant space

Current Building Square Footage 1000

Proposed Use Coffee / smoothie shop

Proposed Square Footage _____

Proposed Hours of Operation:

Weekday From 6am To 8pm

Friday From " To "

Saturday From " To "

Sunday From " To "

Trade Name of Business (If applicable) The COFFEE TREE

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) The COFFEE TREE LLC (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): 1507 Halstead Ave Suite # 105

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of applicant (757) 577-2902 Fax () _____

E-mail address of applicant: grapisardi@gmail.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Rapisardi (First) James (MI) G.

Mailing address of applicant (Street/P.O. Box): 612 San Pedro Dr.

(City) Chesapeake (State) VA (Zip Code) 23322

Daytime telephone number of applicant (757) 577-2902 Fax () _____

E-mail address of applicant: grapisardi@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Colonial Ave Investments LLC (First) _____ (MI) James G. Rapisardi

Mailing address of property owner (Street/P.O. box): Charles D. Pittman JR & Assoc. P.C.
712 Hillingdon Court

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 467-7600 email: cpittman@pittlaw.net

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: Park Place - Frank Kriston

Date(s) contacted: Early Feb. by phone. Presented to the league on 2/22

Ward/Super Ward information: 2 - Whitley, 7 - Groves

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

(James G. Rapisardi)
Print name: Colonial Ave Investments LLC Sign: [Signature] 3/6/16
(Property Owner or Authorized Agent of Signature) Manager (Date)

(James G. Rapisardi)
Print name: COFFEE TREE LLC Sign: [Signature] 3/6/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: James G. Rapisardi Sign: [Signature] 3/6/2016
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

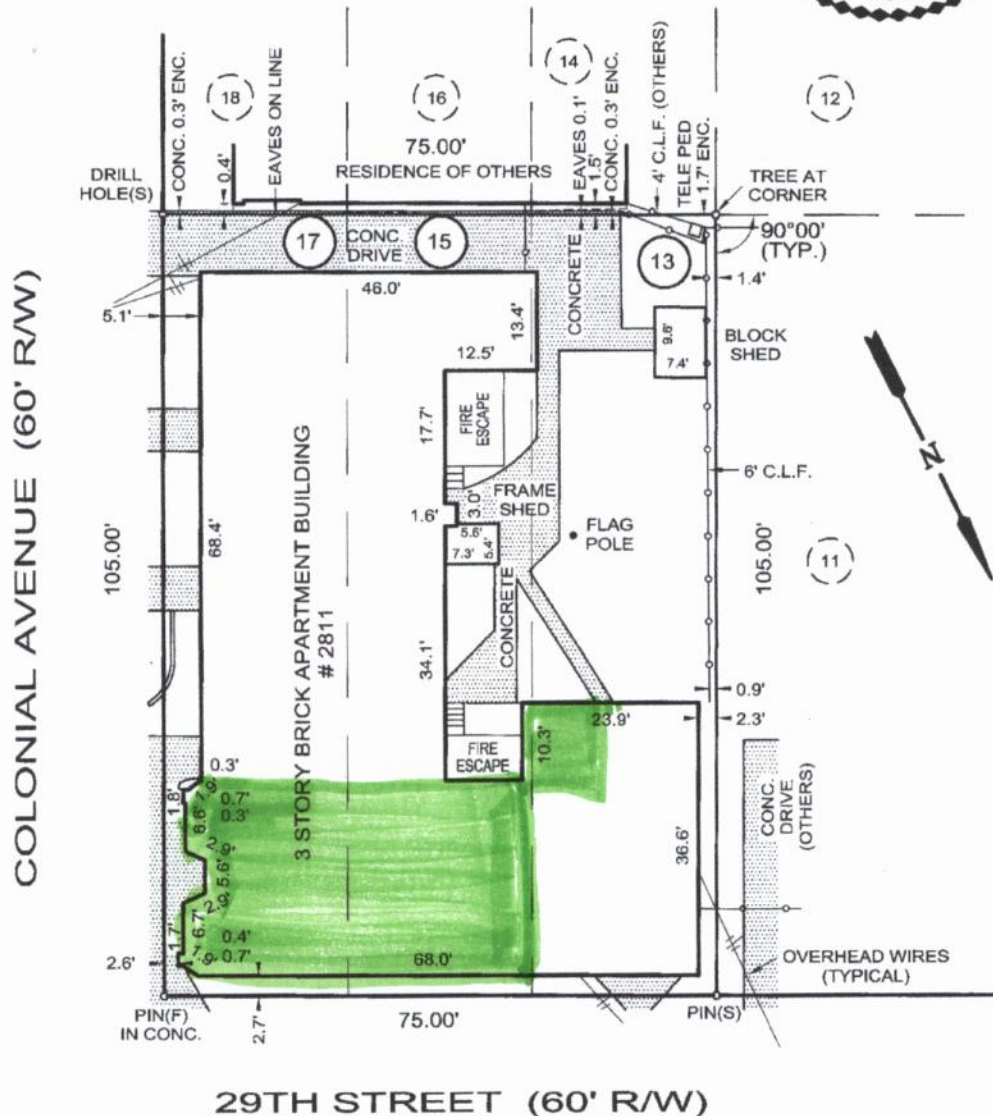
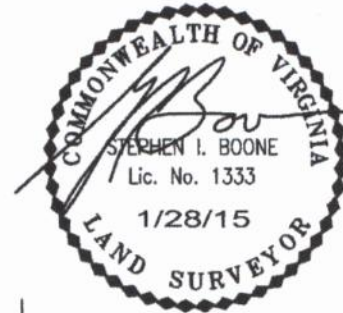
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

THIS IS TO CERTIFY THAT ON JANUARY 23, 2015, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "X"
FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
MAP REVISION: SEPT. 2, 2009 PANEL NO. 0130G

THIS SURVEY PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT.



PHYSICAL SURVEY

OF

2811 COLONIAL AVENUE, NORFOLK, VIRGINIA
LOTS 13, 15 AND 17, BLOCK 23

PARK PLACE

M.B. 3, PGS. 96 AND 97 (CHESAPEAKE)

FOR: GABRIEL RAPISARDI REAL ESTATE GROUP, LLC

STEPHEN I. BOONE & ASSOCIATES, P.C.
LAND SURVEYORS
PORTSMOUTH, VIRGINIA

SCALE: 1" = 20'

DATE: JANUARY 26, 2015

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, March 16, 2016 12:49 PM
To: 'fjkriston@gmail.com'; 'mwsalaam@yahoo.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Simons, Matthew
Subject: new Planning Commission application
Attachments: CoffeeTree.pdf

Mr. Kriston and Mr. Fareed,

Attached please find the following application for a special exception to resume nonconforming uses (mixed-use building; residential with a café) at 2811 Colonial Avenue, suite 2819.

The purpose of the request is to allow for the vacant commercial space on the southwest corner of Colonial Avenue and W. 29th Street to be returned to a small retail café space (less than 12 seats), for which the historic building was originally built to accommodate.

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank You

Matthew Straley
GIS Technician II



City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov



Simons, Matthew

From: vernon fareed <mwsalaam@yahoo.com>
Sent: Wednesday, March 16, 2016 2:01 PM
To: Straley, Matthew; fjkriston@gmail.com
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Simons, Matthew
Subject: Re: new Planning Commission application

Thank you and I'm confident that the PPBA will be supportive of this business use.
Vernon M. Fareed - PPBA

On Wednesday, March 16, 2016 12:49 PM, "Straley, Matthew" <Matthew.Straley@norfolk.gov> wrote:

Mr. Kriston and Mr. Fareed,

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Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank You

Matthew Straley
GIS Technician II



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Norfolk, VA 23510
757-664-4769

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Park Place Civic League

606 west 29th street, Norfolk, VA 23508

April 5, 2016

Mr. George Homewood
Director
Department of Planning
City Hall Building
Norfolk, VA 23510

Re: Coffee Tree Zoning Request
2811 Colonial Avenue

Dear Mr. Homewood,

Mr. James Rapisardi appeared before the Park Place Civic League on April 4, 2016, and requested League support of his zoning request to resume a non-conforming use of the property located at 2811 Colonial Ave St. for the Coffee Tree. The Civic League voted in favor of the request. We look forward to the success of this new business and a positive relationship between the Coffee Tree and the Park Place neighborhood.

Please feel free to contact me should additional information be required.

Respectfully Submitted,

Frank Kriston, President
Park Place Civic League

Cc: Dr. Theresa Whibley, City Council

Simons, Matthew

From: Cat Stanley <feral_felinity@inbox.com>
Sent: Thursday, April 28, 2016 12:49 PM
To: Simons, Matthew
Subject: Colonial Ave. Historical Building Hearing@2:30pm Today

Dearest Planning Commission of Norfolk, VA;

As a native-born Norfolkian (June 21st, 1957 in the old DePaul Hospital building, born to John Leonard King, father; Kathleen Rose Fitzgerald, mother) I'd like my voice to be heard and considered heavily in the matter of the old Coffee House building at the corner of Colonial Avenue & 29th Street and its future:

It's more than a building. It has a history, as do so many old historical buildings in Norfolk, all of which are near and dear to my own heart. Undoubtedly the same is also true of so many other native Norfolkian hearts. This building has earned its place in the world and in our city here. It's earned a legacy. I'm trusting you, the Planning Commission, to honor that history, restore and continue that legacy.

I am and will remain your continued concerned Norfolk native voice,

Kathleen Dale Yakstis

2801 Colonial Ave., Apt. 2

Norfolk, VA 23508

(757) 354-9087

~ "Oh, Heaven will not ever Heaven be,
Unless my cats are there to welcome me." -

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